

August 15, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20536

Dear Chairman Wheeler:

In Missouri's 3rd Congressional District, broadband Internet access has become an essential part of the economic and social make-up, particularly in rural communities. Broadband Internet access is used to apply for jobs, enhance educational opportunities, and connect to friends and family.

Phase II of the Connect America Fund ("CAF II") offers an opportunity to bring faster, fiber-fed broadband connections to millions of Americans who wouldn't otherwise receive these benefits. Due to the outreach of the Commission, thousands of rural communities now look forward to receiving the benefits of CAF II. Since CAF II represents the final phase of Universal Service reform for these areas, its rules will effectively determine whether millions of rural residents will have a broadband connection.

I am writing to express how important it is the CAF II live up to its expectations and promises. I am concerned that if the Commission more than doubles the speed requirements without allowing the appropriate level of flexibility in other elements of CAF II, the program's overall mission could be threatened.

First, the CAF II funding period should be extended from the current 5 years to 10 years to allow adequate time for the construction of the higher-capacity network. However, this needs to be done in a fiscally responsible manner, not through unfunded mandates. In addition, the Commission should use the same 10 Mbps standard when identifying broadband availability from competitors in an effort to ensure that communities with just 4 Mbps will not be left behind. The Commission also must establish network build-out parameters consistent with the goal of providing quality broadband service to as many people as possible within CAF's limited funding framework. As such, providers must be given the flexibility to substitute extremely high cost locations with unserved locations in partially served census blocks.

Lastly, I encourage the Commission to be as precise as possible when targeting support to areas where broadband would not otherwise be available. In the interim CAF I phases, an entire census block could be disqualified if a competitive carrier claimed to serve even a small fraction of its

customers, and many areas were disqualified based on the untested assertions of wireless ISPs with line of sight and capacity issues that made them a poor substitute for fiber-fed networks.

Now that the final phase is in progress, it is my hope that the CAF II standards reach those unserved customers, and also require competitive carriers to meet a reasonable standard of verification before depriving a community of CAF II support.

Even though broadband is continuing to grow at high volumes, I still hear from constituents in the 3rd Congressional District seeking assistance to bring broadband services to their home. Thank you for considering my concerns, and I look forward to working with you on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Blaine Luetkemeyer". The signature is fluid and cursive, with the first name "Blaine" being more prominent and the last name "Luetkemeyer" written in a continuous script.

Blaine Luetkemeyer
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

September 18, 2014

The Honorable Blaine Luetkemeyer
U.S. House of Representatives
2440 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Luetkemeyer:

Thank you for your letter regarding the implementation of certain aspects of Phase II of the Connect America Fund (CAF II). In your letter, you express concerns that the overall mission of the CAF II program could be endangered if the Commission increases the current broadband speed benchmark for program recipients to 10 Mbps downstream /1 Mbps upstream without allowing flexibility in other elements of the program, and suggest several proposals to provide such flexibility. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

I agree with you that high-speed broadband access is an essential component for economic growth in rural communities. The universal service program is one of the most important tools at our disposal to ensure that consumers and businesses in rural America have the same opportunities as their urban and suburban counterparts to be active participants in the United States of the 21st century. We are focused on updating the universal service high-cost program to ensure that we are delivering the best possible voice and broadband experiences to rural America within the confines of our Connect America budget, while providing increased certainty and predictability for all carriers and a climate for increased broadband expansion.

In April, the Commission adopted a *Connect America Fund Phase II Report and Order* to move forward with Phase II of the Connect America Fund for price-cap carriers. In addition, in an associated *Further Notice of Proposed Rulemaking (FNPRM)*, the Commission sought comment on a number of the issues you raise, including revising the current broadband performance obligations to require minimum speeds of 10 Mbps downstream, and applying the same performance obligations to all recipients of Phase II support and to rate-of-return carriers. The *FNPRM* also seeks comment on a proposal to allow CAF II recipients more flexibility in meeting their performance obligations, such as the ability to substitute locations in partially-served census blocks for locations in the unserved census block for which it received support. The record on these issues just closed and is under consideration by Commission staff.

One final step in the process before we can complete CAF II, which your letter references, is that we must finalize the list of census blocks that are eligible for support. We recently initiated the CAF II challenge process and received a total of 178,335 challenges from parties challenging the served/unserved status of a census block. Commission staff is currently reviewing these challenges and will soon release a Public Notice giving parties 45 days to

comment on these challenges. We intend to make sure that a fair challenge process is conducted to ensure that all eligible unserved areas qualify for funding.

We expect a robust record on these topics and I welcome a dialogue with stakeholders as to how best to accomplish our shared objectives. I look forward to working with you as we continue reforming and modernizing the universal service fund high-cost program – as well as other components of the Fund – to ensure that all Americans have access to robust voice and broadband services.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

FOLLOWING UP ON
OUR COLLOQUY YESTERDAY,
I APOLOGIZE FOR THE
DELAY IN RESPONDING

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a horizontal line above it.

Tom Wheeler